

Q1 2. (once amended) Preparations according to claim 1 in which said [active] thermo- or photosensitive ingredients are vitamins and are present [preferably] within about 5-25 wt% of the total weight of the preparation.

Q2 11. (once amended) Method according to claim 10 in which said amino-acids are selected from the group of amino-acids consisting of: [chosen among] L-cysteine, L-cystine and L-methionine and mixtures thereof.

REMARKS:

Claims 1-16 are under consideration.

Claims 1, 2 and 11 are amended in compliance with 35 USC 112, second paragraph.

Claim 1 is amended to overcome the rejection of the claims under 35 USC 103(a) in view of the cited references, namely Dumitriu and Vasington. Claim 1 now features a controlled release xanthan-chitosan based composition for the stabilisation and subsequent controlled release of a given list of thermo- or photosensitive ingredients.

The feature that a xanthan-chitosan based composition could stabilise and effectively protect thermo- and photosensitive ingredients prior to release of these ingredients was heretofore unknown. This result is truly unexpected since in the preferred embodiment of the invention, the hydrogel loaded with thermo- or photosensitive ingredients is subjected to harsh preparation steps such as freeze drying and despite this remain a good protective medium for these sensitive ingredients (see Example 1, page 6).

The cited prior art is not predictive of the present invention. The Examiner is right that Dumitriu teaches "a gel of chitosan and xanthan gum for encapsulation of cells". The Examiner is also right that Vasington "teaches the infusion of a gel containing cells with vitamins and amino acids to maintain cell viability". However, the present invention is concerned with the stabilisation or preservation of thermo- or photosensitive ingredients to be released from the composition and not the viability of cells. Indeed, the present invention concerns a composition for the controlled release of these sensitive ingredients

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over a period of time. Thus, the present invention has nothing to do with cell culture or cell viability. Since Dumitriu and Vasington fail to teach or even predict the present invention, it would not have been obvious to select a material described as a cell food in Vasington and combine it with the gel disclosed in Dumitriu to arrive at a controlled release composition as claimed. Undue experimentation would have been required to arrive at the present invention when starting from the teachings in Dumitriu and Vasington.

In view of the arguments presented herein, it is submitted that claim 1 is directed to patentable subject matter. In addition, the other claims under consideration, namely claims 2-5 and 18-19 are all ultimately dependent on claim 1, recite yet further distinguishing features and are also patentable and need no further discussion herein.


CONCLUSION

In view of the foregoing, this case now appears to be in condition for allowance and such action is respectfully urged.

Respectfully submitted,

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